

## **MINUTES**

### **BOARD OF ADJUSTMENT**

#### **TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY**

Regular Meeting

February 26, 2015

The Regular Meeting of the Board of Adjustment was called to order at 7:30 PM in the Public Meeting Room.

It was confirmed that the meeting was being held in conformance with all regulations of the SUNSHINE LAW and proper notice had been given to the Courier News; also, the Agenda had been posted in Town Hall, Board Office, and supplied to the Township Clerk at least forty-eight hours prior to the meeting. The Agenda items will not necessarily be heard in the order listed and the meeting will not continue significantly past 10:30 PM.

#### **Roll Call:**

Members present were Mr. Sullivan, Mr. Smith, Mr. Siburn, Mr. Nappi, Mr. Delia and Mr. Sylvester. Mr. Miller, Mr. Boyer and Mr. Henry were absent. Mr. Daniel Bernstein, Board Attorney, was also present.

#### **Applications for Review:**

Mr. Sullivan announced that Application #32-14: Ronnie & Emilie Nieves, 25 Liberty Avenue, Block 2004, Lot 2 (R-15 Zone) has been adjourned to April 23, 2015 with no further notice required, Application #11-14: 174 Snyder Ave.BH,LLC, 174 Snyder Avenue, Block 801, Lot 50 (R-15 Zone) has been adjourned to April 9, 2015 with no further notice required, and Application #26-14: Ramesh & Sheela Raman, Kuntz Avenue, Block 301, Lot 18 (R-15 Zone) has been adjourned to March 12, 2015 with no further notice required.

#### **App.#3-15: George Devanney, 59 Cornell Avenue, Block 1710, Lot 3 (R-15 Zone)**

Proposed inground pool with paver patio surround. Relief is needed from Section 6.1.1B "Schedule of General Regulations" for exceeding the permitted "other coverage" ratio of 10% and the "total lot coverage" ratio of 25%. Nonconforming issues are combined principal side yard setbacks; accessory setbacks for the existing shed, batting cage and large water feature; and existing fence along rear property line (which appears to be off of the subject property).

George Devanney was sworn.

Larry Uher, architect, was sworn, gave his educational and professional background and was accepted as an expert witness.

Sal Scalora, landscaper, was sworn, gave his educational and professional background and was accepted as an expert witness.

Mr. Devanney stated that in January 2014 they had a substantial house fire and were out of the home for nine months. The house has been renovated and now they want to make some improvements to the backyard including a pool. Variances are required for overall coverage and structure coverage and for relief of the front yard setback requirements for Yale Avenue which is a paper street. The plans have been revised to include the setback lines and the location of the pool filter and the impervious coverage calculations have been adjusted. The existing fence is being removed and will be replaced by a 5' aluminum coated fence around the entire yard.

Mr. Devanney presented Exhibit A-1 – series of 10 photographs showing the view of the backyard from the house, from the back patio and from the side yard and from where the pool will be located. The photographs also showed the view of the neighbors on all sides, the landscaping that has been put in front of the house and the side driveway with landscaping. Mr. Devanney stated that it is their intention after putting up the new fence to create planting beds and plant cypress and fruit trees and to have additional landscaping around the pool.

Mr. Scolara stated that the landscaping will include ornamental trees – plums, Leyland cypress, to provide privacy for the neighbors. The landscaping will hide the pool filter and everything will be covered. The view from the deck of the next door neighbor will be blocked by 8-9' trees.

In response to questions from the Board, Mr. Devanney stated that the existing shed replaced the one that was damaged by Hurricane Sandy and they put it in the same place. They could attempt to move it but not sure how easily that could be done. They are requesting a variance for the shed. Mr. Devanney presented Exhibit A-2 – photograph of the shed.

### **Open to Public**

The hearing was opened to the public for comments or questions regarding the application. There were no members of the public who had questions or comments.

A motion was made by Mr. Delia, seconded by Mr. Smith, with respect to App. #3-15: George Devanney, 59 Cornell Avenue, Block 1710, Lot 3 (R-15 Zone) to approve the application with variances, subject to the conditions as discussed and further subject to the standard conditions that shall be set forth in a Resolution of Memorialization to be adopted by the Board. The voice vote was unanimous with Mr. Sullivan, Mr. Smith, Mr. Siburn, Mr. Nappi, Mr. Delia and Mr. Sylvester voting in favor.

**App.#2-15: Michael Lewis, 76 Hilltop Avenue, Block 3101, Lot 11 (R-20 Zone)**

Seeking approval to construct an attached two-car garage. Relief is needed from Section 6.1.1B "Schedule of General Regulations" for insufficient front-yard setback. Nonconforming issues include principal front-yard setback and principal side-yard setback.

Michael Lewis was sworn and stated that he wants to put a garage onto his house. There is no garage now. A variance is needed for front yard setback where 28' is proposed and 50' is required. The existing front yard setback is 29'.

In response to questions from the Board, Mr. Lewis stated that there will be no trees removed and his house is the last house on a dead end street. The purpose of the garage is to store his personal cars and there will be no commercial use. The second story will be for storage only and the access will be from steps inside the house. There will be no separate entrance to the loft area. The exterior of the garage will match the exterior of the house. The height of the garage will be 18-19' and the height of the house is about 30'.

It was suggested that Mr. Lewis contact the Township Engineer to see if a drainage plan should be submitted.

**Open to Public**

The hearing was opened to the public for comments or questions regarding the application. There were no members of the public who had questions or comments.

A motion was made by Mr. Siburn, seconded by Mr. Delia, with respect to App. #2-15: Michael Lewis, 76 Hilltop Avenue, Block 3101, Lot 11 (R-20 Zone) to approve the application with variances, subject to the conditions as discussed and further subject to the standard conditions that shall be set forth in a Resolution of Memorialization to be adopted by the Board. The voice vote was

unanimous with Mr. Sullivan, Mr. Smith, Mr. Siburn, Mr. Nappi, Mr. Delia and Mr. Sylvester voting in favor.

**Adoption of Resolution:**

**App.#11-14: 174 Snyder Ave.BH,LLC, 174 Snyder Avenue, Block 801, Lot 50 (R-15 Zone)**

Denying the request for a Certificate of Pre-existing Nonconforming Use for a four-family structure.

A motion was made by Mr. Smith, seconded by Mr. Siburn, to adopt the above Resolution. The voice vote was unanimous with Mr. Sullivan, Mr. Smith, Mr. Siburn and Mr. Delia voting in favor.

**Adoption of Minutes**

February 12, 2015 Regular Meeting

A motion was made by Mr. Siburn, seconded by Mr. Nappi, and carried by unanimous voice vote to adopt the minutes of the February 12, 2015 Regular Meeting as presented.

**Correspondence**

Mr. Sullivan advised that he has not heard back from Tom Bocko with regard to the comments he sent to him regarding lot coverage. Further discussion took place with regard to the percentage of coverage provided by pavers in walkways, patios and driveways. This will be discussed further upon receipt of a response.

**Adjournment:**

A motion was made by Mr. Siburn, seconded by Mr. Delia, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 8:12 PM.

Regina Giardina, Secretary Pro Tem